

FACTSHEET

TITLE: SPECIAL PERMIT NO. 2031, FINIGAN 2ND ADDITION COMMUNITY UNIT PLAN, requested by Lyle Loth of ESP, on behalf of Pearle F. Finigan, for four acreage residential units, with associated waiver requests, on property generally located northwest of the intersection of N. 84th Street and Waverly Road.

STAFF RECOMMENDATION: DEFERRAL until adoption of "Build-Through Standards".

ASSOCIATED REQUESTS: County Special Permit No. 204 and City/County Preliminary Plat No. 03007.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 12/10/03
Administrative Action: 12/10/03

RECOMMENDATION: Conditional Approval (6-1: Larson, Marvin, Krieser, Taylor, Duvall and Bills-Strand voting 'yes'; Carlson voting 'no').

FINDINGS OF FACT:

1. The staff recommendation of **deferral until completion of build-through standards** is based upon the "Analysis" as set forth on p.5, concluding that this is an AG community unit plan, proposing to "cluster" the allowed dwelling units to 4 acreage lots. Waivers requested are typical of a rural subdivision and are provided for in the code. No bonuses are being requested. However, at the City-County Common meeting on December 1, 2003, the Planning staff committed to provide a draft "build-through" package of regulation changes and design standards for the March Common meeting. Therefore, staff is recommending deferral of this application until the "build-through" provisions are adopted.
2. The applicant has requested waivers of yard setbacks, minimum lot area, ornamental street lighting, sidewalks, street trees, landscape screens, stormwater detention and block length, all of which are recommended for approval by the staff if this application is not deferred.
3. This community unit plan and the associated Finigan 2nd Addition preliminary plat (**City/County Preliminary Plat No. 03007**) have split jurisdiction. Thus, the community unit plan and preliminary plat must also be considered and acted upon by the Lancaster County Board of Commissioners. The public hearing before the County Board is scheduled for Tuesday, January 20, 2004.
4. The minutes of the Planning Commission meeting are found on p.8-11. The applicant's testimony is found on p.8-9, objecting to the recommendation of deferral because the subject property is in Tier III, the development of which is way beyond the foreseeable future and it is impossible to predict where and when infrastructure might be available. The applicant agreed with all conditions of approval, except the waiver of cul-de-sac length, which is not needed (See Condition #3.6.4). The applicant pointed out that the alternative is to develop four 20-acre parcels with four separate driveways along N. 84th Street, which would not require County Board or City Council approval.
5. Testimony in opposition is found on p.9-10, and the record consists of one letter in opposition (p.23-24). The opposition suggests that the houses be moved to the south end of the property to reduce the extra travel time and the use of fuel, and to bring the homes within five miles of a fire barn for insurance purposes.
6. On December 10, 2003, the Planning Commission disagreed with the staff recommendation and voted 6-1 to recommend conditional approval of the community unit plan (Commissioner Carlson dissenting). (See Minutes p.10-11). The Planning Commission also voted 6-1 to adopt Resolution No. PC-00840, approving that portion of the associated preliminary plat located in the City's jurisdiction.
7. The Site Specific conditions of approval required to be completed prior to scheduling this application on the City Council agenda have been satisfied and the revised site plan is attached (p.13-15).

FACTSHEET PREPARED BY: Jean L. Walker

DATE: January 5, 2004

REVIEWED BY: _____

DATE: January 5, 2004

REFERENCE NUMBER: FS\CC\2004\SP.2031 - split CUP

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for December 10, 2003 PLANNING COMMISSION MEETING

P.A.S.: Finigan 2nd Addition Community Unit Plan

Co Special Permit #204, **City Special Permit # 2031**

Preliminary Plat 03007

Note: This is a combined staff report for related items. This report contains a single background and analysis section for all items. However, there are separate conditions provided for each individual application.

PROPOSAL: A community unit plan and preliminary plat for 4 acreage residential units.

LOCATION: Northwest of the intersection of North 84th Street and Waverly Road.

WAIVER REQUESTS:

1. Yard setbacks.
2. Minimum lot area
3. Ornamental street lighting.
4. Sidewalks.
5. Street trees.
6. Landscape screens.
7. Stormwater Detention
8. Block length.

LAND AREA: 77.03 acres, more or less.

CONCLUSION: This is an Ag Community Unit Plan, proposing to “cluster” the allowed dwelling units to 4 acreage lots. Waivers requested are typical of a rural subdivision and are provided for in the code. No bonuses are being requested. At the December 1 Commons, Planning staff committed to providing a draft Build Through package of regulation changes and design standards for the March Commons meeting. With that in mind, staff would recommend deferral of this item until Build Through provisions are adopted.

RECOMMENDATION:

Co. Special Permit #204

Deferral

Special Permit #2030

Deferral

Preliminary Plat # 03007

Deferral

Waivers

1.	Yard Setbacks:	Approval
2.	Minimum lot area:	Approval
3.	Ornamental lighting	Approval
4.	Sidewalks	Approval
5.	Street trees	Approval
6.	Landscape screens	Approval
7.	Stormwater Detention	Approval
8.	Block length	Approval

GENERAL INFORMATION

LEGAL DESCRIPTION: NE 1/4 of SE 1/4, and a portion of Lot 9 I.T. located in Section 10, T11N, R7E of the 6th P.M. , Lancaster County, Nebraska.

EXISTING ZONING: AG Agriculture

EXISTING LAND USE: Farmland

SURROUNDING LAND USE AND ZONING:

North:	Farmland	AG
South:	Farmland, 8 lot CUP	AG
East:	Subdivision, 37 lots	AG & AGR
West:	Farmland	AG

HISTORY: Zoned AG in the 1979 zoning update. The land to the east (Finigan's sub) was platted under the AA zoning and is "grandfathered" as well as an additional portion that was changed to AGR in 1997 and platted. A change of zone to AGR (#3241) to the south was denied by the Planning Commission in April and withdrawn at the City Council in May 2000. An AG Community Unit Plan was approved for 8 lots to the south (SP #1857) in August of 2000.

COMPREHENSIVE PLAN SPECIFICATIONS: The 2025 Comprehensive Plan shows this area as Agriculture, Tier III. A cluster is permitted by special permit in the AG district. In relation to clustering in the Agriculture area, the Comprehensive Plan states:

“New ‘urban acreage’ development should only be permitted in Tier II and Tier III area of Lincoln and near towns under higher design standards based upon a “buildthrough” model and without use of sanitary improvement districts. The “build through” design standards should address, along with other items deemed necessary to the study:

- a preliminary plan lot layout that accommodates first phase low density acreages with rural water and sewer systems. The preliminary plat would also show future lot splits as a second phase to permit the urban infrastructure to be built through and urbanization to occur if and when annexed by a city or town is deemed appropriate. The future lot splits will increase density in an urban form and provide income to property owners to defray the increases in city taxes, services and infrastructure costs;
- a lot layout that meets the various elements of the Comprehensive Plan; and
- a development agreement that runs with the land and acknowledges that the acreage development (I) is not entitled to extra buffering protection greater than the acreage property lines from existing agricultural practices and from future urbanization and (ii) waives any future right to protest the creation of lawful centralized sanitary sewer, water and paving special assessment districts or other lawful financing methods at a later date when urbanization is appropriate.

When the independent study to quantify and qualify the positive and negative economics of acreage development is completed, the county should determine if an impact fee or other development exactions are needed to be sure acreage development is paying its “fair share” of costs. The study should include a review of policy issues and options such as the build-through concept, lot size, acreage standards, acreages and town relationships, acreages and sensitive areas, agriculture, acreage clusters, desired acreage population, acreage size and land use consumption and AGR zoning. (page F79)

UTILITIES: There are no sewer or water public utilities available. This is in the LES service system.

TOPOGRAPHY: Gently rolling, sloping to the south and east.

TRAFFIC ANALYSIS: This is served by Waverly Road and 84th Street. Waverly Road is a paved county road and 84th is a graveled county road. 84th is not shown for future paving.

PUBLIC SERVICE: This is in the Waverly Rural Fire District and the Waverly School District #145. This is served by the Lancaster County Sheriff's Department.

REGIONAL ISSUES: Expansion of the acreage areas. Clustering to preserve farm land. Buildthrough in the growth tiers.

ENVIRONMENTAL CONCERNS: The Historic and Ecological Resources survey shows no resources on this site. The soil rating on this land is 4.75 on a scale of 1 to 10 where 1 is the highest and a rating of 1-4 is prime agriculture land. This is not prime ag land.

AESTHETIC CONSIDERATIONS: na

ALTERNATIVE USES: All uses allowed in the AG district. Three 20+ acre lots.

ANALYSIS:

1. This request is for a Special Permit for a Community Unit Plan for 4 acreage residential lots. A gravel private street is proposed and individual sewer and water is proposed. A dwelling unit bonus is NOT being requested.
2. This request is in general conformance with the Comprehensive Plan. However, the buildthrough provisions are not addressed because there is currently no standard to apply. The clustering and set aside of a large outlot with no restrictive easement allows future growth. Since "buildthrough" standards have not been developed at this time, the Planning Department is following the Mayoral policy of June 11, 2002 where Mayor Wesel noted this type of development was allowed.
3. A waiver to the minimum lot area of 20 acres is requested. This is required to accomplish the clustering to 3 acre lots.
4. Waivers are requested for street lights, sidewalks, block length, street trees, storm drainage and screening. These are typical waivers required, provided for and appropriate for agriculture/acreage clusters.
5. The County Engineers memo of November 10, 2003 notes several corrections required.
6. The proposed Estes Avenue could be confused with Estes Drive at N. 27th and Fletcher and must be revised.
7. Health Department notes the water supply is adequate and the lots are sufficient in size to allow lagoons or non-standard on-site wastewater systems if required.

Planning staff recommends deferral of these applications, however, if these applications are approved, the following conditions are suggested.

CONDITIONS FOR SPECIAL PERMIT #2031:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council agenda: (NOTE: These documents and plans are required by resolution/ordinance or design standards.)
 - 1.1 Make the corrections requested by the County Engineer in his letter of November 10, 2003.
 - 1) The sight distance to the north on North 84th Street for Estes Avenue is calculated with an eye height of 4'. The eye height should be 3.5'. Use an eye height of 3.5', for a sight distance of approximately 430'. This is the minimum required.

- 2) Provide a culvert under Estes Avenue for the North 84th Street ditch if required for drainage.
- 3) Lots shall be allowed only one residential access.

1.2 Revise the street name of Estes Ave.

1.3 Provide a 15' utility easement along Waverly Road.

1.4 Add a note that acknowledges that the acreage development (i) is not entitled to extra buffering protection greater than the acreage property lines from existing agricultural practices and from future urbanization and (ii) waives any future right to protest the creation of lawful centralized sanitary sewer, water and paving special assessment districts or other lawful financing methods at a later date when urbanization is appropriate.

2. This approval permits 4 single family lots.

General:

3. Before receiving building permits:

3.1 The permittee is to submit a revised site plan and the plan is found to be acceptable.

3.2 The permittee is to submit six prints and a permanent reproducible final site plan as approved by the City Council.

3.3 The construction plans are to comply with the approved plans.

3.4 The final plat(s) is/are approved by the City/ County Board.

3.5 The required easements as shown on the site plan are recorded with the Register of Deeds.

3.6. The City Council/County Board approves associated requests:

3.6.1 Finigan 2nd Addition Preliminary Plat #03007.

3.6.2 County Special Permit # 204

3.6.3 A waiver to the sidewalk, street lights, landscape screen, stormwater detention and street tree requirements since the area is of larger lots, a rural nature and the subdivision will not be annexed.

3.6.4 A modification to the requirements of the land subdivision ordinance\resolution to permit a block length in excess of 1320' along the north, south, east and west

perimeter of this subdivision and a waiver of cul-de-sac length in excess of 1,000 feet. (**Waiver of cul-de-sac length not required**)

3.7 The County Engineer has approved:

3.7.1 An agreement for street maintenance.

STANDARD CONDITIONS:

4. The following conditions are applicable to all requests:
- 4.1 Before occupying this Community Unit Plan all development and construction is to comply with the approved plans.
 - 4.2 Before occupying this Community Unit Plan, City/County Health Department is to approve the water and waste water systems.
 - 4.3 All privately-owned improvements are to be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
 - 4.4 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 4.5 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 4.6 The City Clerk/County Clerk is to file a copy of the resolution approving the permit and the letter of acceptance with the Register of Deeds. The Permittee is to pay the recording fee.

Prepared by:

Mike DeKalb
Planner
November 24, 2003

APPLICANT/: Pearle F. Finigan
6321 "A" Street
Lincoln, NE 68510
(402) 483 -4657

OWNER: Pearle F. Finigan and William C. Finigan

CONTACT: Lyle Loth
ESP
601 Old Cheney Road, Suite A
Lincoln, NE 68512
421-2500

**COUNTY SPECIAL PERMIT NO. 204,
and
CITY SPECIAL PERMIT NO. 2031,
FINIGAN 2ND ADDITION COMMUNITY UNIT PLAN,
and
CITY/COUNTY PRELIMINARY PLAT NO. 03007,
FINIGAN 2ND ADDITION**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

December 10, 2003

Members present: Larson, Carlson, Marvin, Krieser, Taylor, Duvall and Bills-Strand.

Staff recommendation: Deferral until adoption of build-through standards.

Ex Parte Communications: None.

Mike DeKalb of Planning staff submitted a letter in opposition to the increase in dust and traffic, and the impact on the view. The letter also suggested that the development take access off of Waverly Road, with the applicant blacktopping North 84th Street from Waverly Road to the entrance of the subdivision.

Proponents

1. Mark Hunzeker appeared on behalf of **Pearle Finigan**, the applicant. This is a preliminary plat with split jurisdiction for four lots on an 80 acre parcel at 84th and Waverly Road. The applicant has no objections to any of the conditions of approval, with one caveat (explained later). However, the applicant does object to the recommendation of deferral of this matter to the point when we may or may not have a series of standards for build-through acreages. This is a nominal 80 acre parcel which could be divided into four buildable parcels of approximately 20 acres each, without any approval by this body or the City Council or the County Board. But, doing that would not make much sense, in his opinion. It would create four driveways onto N. 84th as opposed to one public roadway. And, it would not preserve the balance of the property for possible future urban development. This application preserves some 68 acres for agricultural uses for the meantime, and potential future subdivision for urbanization at a long term future date.

Hunzeker agrees that the build-through concept is one which is a good one, but he does not believe it has much application in this circumstance in the sense that there is the need for a lot of additional information to accomplish that purpose. There are no standards which exist today. There is a commitment by the Planning Department to get back to the City-County Common with proposed build-through standards in some draft form. A March "draft" of build-through standards doesn't do this

applicant much good. In fact, Hunzeker believes that we are probably realistically looking at June or July before the Planning Commission, City Council and County Board get an opportunity to actually adopt standards that will be applied in the future.

Hunzeker went on to state that this property is immediately across the street from an acreage subdivision which was developed by this owner. It is immediately across the street on the south from another subdivision developed by this owner, and there are acreages immediately to the west, so it would appear that this is a fairly obvious area for acreage development.

Hunzeker suggested that the build-through really only works if you have some idea of where future urban streets and infrastructure might be located. Hunzeker then displayed the Comprehensive Plan tier map. Tier II takes us out somewhere between 25 and 50 years. Tier III is way beyond the foreseeable future and it takes us into areas where it is really impossible to predict where and when infrastructure might be available. He also showed the land use plan in relation to the location of this site. This proposal is on a tributary of Salt Creek that runs south and east, so if we assume that we are going to have gravity flow sewer, we are going to be flowing into the Salt Creek area at a point 2.5 miles downstream of the northeast treatment plant. Unless we have a radical change in the way we deal with our sewage disposal in this community between now and whenever we might urbanize this area, we really don't have much of a way of laying out where the streets or sewer lines might go on the balance of this property. This proposal simply lays out four 3-acre lots on a short street and retains the balance for agricultural uses.

Hunzeker stated that the only caveat the applicant has to the conditions is on page 8 of the staff report. Condition #3.6.4 of the city special permit talks about a waiver of the cul-de-sac length in excess of 1,000 feet. Hunzeker believes that the cul-de-sac might be 850' long so they do not need that waiver.

Hunzeker submitted that there is nothing to be gained by deferral of this subdivision. It will not fit neatly into a build-through concept, even if one is adopted in the future, and he believes it unfair to this owner to require that he wait until some certain date when standards may be available. Frankly, if the applicant cannot go forward with this CUP, he can divide it into four lots that front on No. 84th Street, and go forward to make some arrangement to try to minimize the number of driveways.

Marvin inquired as to the future status of Outlot A being reserved for agricultural use. Hunzeker stated that the Outlot will remain in the ownership of the existing owner who farms the property, and he will continue to farm it or lease it for farming purposes until he can do something else with it, which, at this point, is an indefinite period. The applicant is not granting a conservation easement because he is not requesting any sort of density bonus. He is simply asking to put the four houses that would be allowed on this parcel on 12 acres rather than on 20-acres each.

Opposition

1. Dave Skomer, 12550 N. 84th Street, directly across from the proposal, testified in opposition. He has talked to all of the neighbors and no one is excited about having this directly across the street. They dislike the fact that it is in their front yards. He indicated that the neighbors across the street would prefer the proposed houses be moved to the south end. He believes that the purpose of the

Planning Commission is to look at this project and its long term effect on the people in the County and the City. This distance on the gravel road is a little over 1/4 mile. It will require additional fuel to make this trip. If we can save a dollar on energy, that dollar will probably be spent in the community and will roll over about \$2.45 worth of economic activity. If the houses are moved to the south end, the extra travel will be eliminated. There will be extra fuel burned with the construction equipment. As these vehicles drive up this way, they will make a lot more road dust and brake dust, which contains asbestos.

Skomer also pointed out that on the north side of the four houses there is going to be a pocket of farm ground, which means more turning around time, with more fuel and more wear on equipment. The road can be made straight by putting the houses on the south end.

Skomer informed the Commission that when one goes to purchase homeowners insurance for a rural acreage, they want to know how far the property is from a fire barn. If you are outside of a five-mile distance, you have to pay a higher premium and you can no longer get guaranteed replacement cost on your house. If the proposed houses are on the south end, they will be within the five miles. Otherwise they are going to be outside of the five miles.

Response by the Applicant

Hunzeker believes the things that are gained by clustering these units are substantial as opposed to laying out four separate driveways along N. 84th Street. This is a project that is in conformance with the Comprehensive Plan, as pointed out in the staff report. He is not sure that the nominal amounts of fuel savings can even be calculated, but certainly they will not be any greater than the property owners that live right across the street. Hunzeker believes there is good reason to approve this, especially when you consider the alternative of four 20-acre parcels, which is contrary to the goals of the Comprehensive Plan.

Staff questions

Carlson pondered that what is being proposed is what we typically would want to shepherd and support. Why deferral? DeKalb agreed that the staff generally supports clustering of subdivisions throughout the County, but the point in this particular circumstance is raising the question of the Comprehensive Plan which talks about build-through standards applying to all acreage development within Tier II and Tier III. This property is in Tier III. The staff had been operating under prior Mayoral authority. We now have a new Mayor and he is not sure that the previous position is still in effect. This property is in Tier III and we are getting to a point where the development of build-through standards is becoming eminent, or within a short period of time will be available. We are asking whether it is appropriate to defer until we get feedback. We will have some draft regulations for the Common in March and are hoping to get some input before that. The staff does support the concept of the cluster.

Carlson inquired as to whether this is likely to be the staff position on other similar applications that come forward in the next few months. DeKalb concurred.

COUNTY SPECIAL PERMIT NO. 204

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

December 10, 2003

Duvall moved approval, with conditions, seconded by Krieser.

Carlson noted that some of the testimony from Mr. Skomer was not necessarily site specific. He suggested that the issue of fuel costs is appropriate for discussion on all acreage development. He believes it is appropriate that we had studies done to determine costs of services and appropriate that we called for and are now completing build-through standards, so he believes that deferral would be appropriate to see how the standards fall out and to see if they apply to this development.

Motion for conditional approval carried 6-1: Larson, Marvin, Krieser, Taylor, Duvall, and Bills-Strand voting 'yes'; Carlson voting 'no'. This is a recommendation to the Lancaster County Board of Commissioners.

CITY SPECIAL PERMIT NO. 2031

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

December 10, 2003

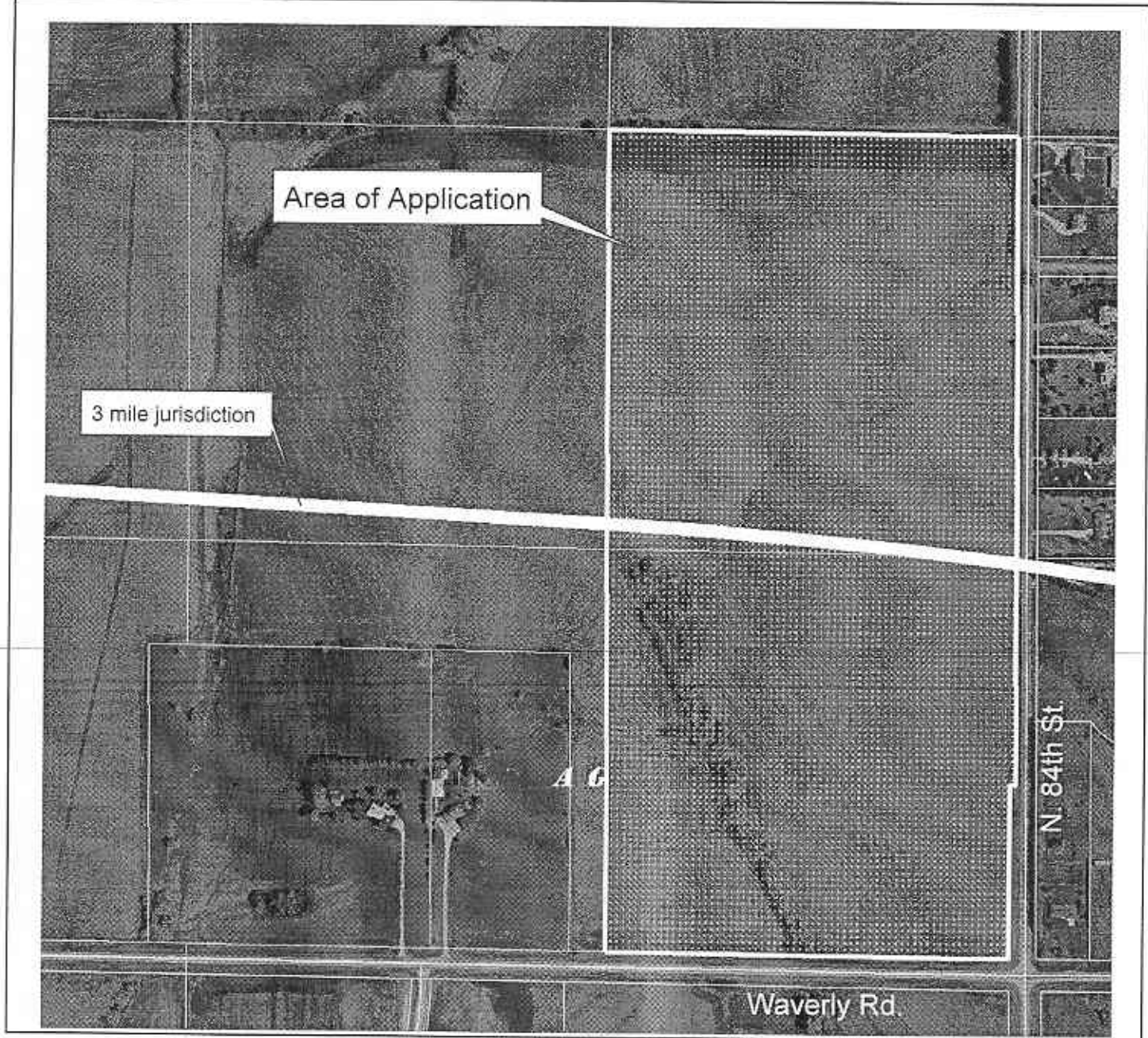
Duvall moved approval, with conditions, seconded by Taylor and carried 6-1: Larson, Marvin, Krieser, Taylor, Duvall, and Bills-Strand voting 'yes'; Carlson voting 'no'. This is a recommendation to the City Council.

CITY/COUNTY PRELIMINARY PLAT NO. 03007

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

December 10, 2003

Duvall moved approval, with conditions, seconded by Krieser and carried 6-1: Larson, Marvin, Krieser, Taylor, Duvall, and Bills-Strand voting 'yes'; Carlson voting 'no'. This is final action on that portion within the City's jurisdiction, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission. The action on the portion in the County's jurisdiction is a recommendation to the Lancaster County Board of Commissioners.



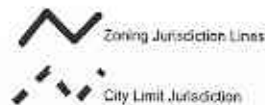
City and County Preliminary Plat #03007
 County Special Permit #204
 Special Permit #2031
 Finigan 1st Add.
 N. 84th & Waverly Rd.

2002 aerial

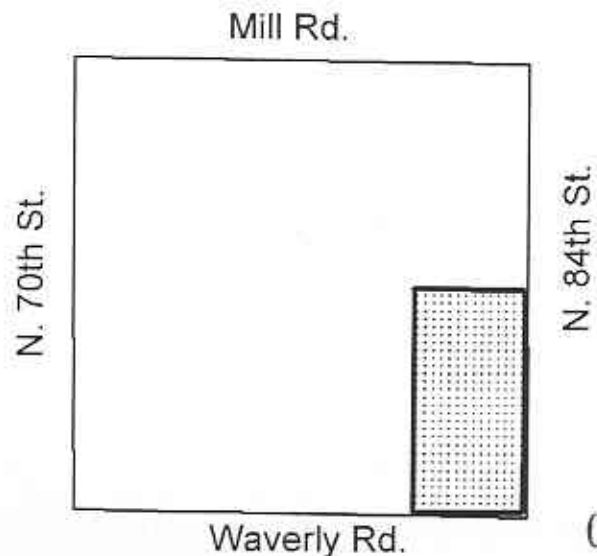
Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile
 Sec. 10 T11N R7E



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Lincoln City - Lancaster County Planning Dept.

GENERAL NOTES

GENERAL NOTES

1. Sewage treatment will be provided by individual lot owners. Lagoons may be allowed and will not be prohibited by covenant. Due to soil types and slopes, lagoons or engineered waste treatment systems may be required.
2. Water will be provided by individual wells on each lot.
3. The developer agrees to comply with the Design Standards of the City of Lincoln for erosion and sedimentation control during and after land preparation.
4. Contours are Mean Sea Level (NAVD 88 Datum).
5. Interior streets are Private and have a right-of-way width of 60 feet.
6. Interior streets shall be surfaced with 3" rock & 1" gravel in accordance with County Standards.
7. All interior intersection radii shall be 30 feet. 22' Type III barricades shall be installed at temporary dead ends along with 30' temporary turnarounds. Grading shall extend around the temporary turnarounds.
8. Utility easements will be provided as required by Lincoln Electric System, Altel, Time Warner Entertainment, and Aquila.
9. Direct vehicular access to N. 84th Street & Waverly Road is hereby relinquished, except at Skybright Avenue and excluding farm equipment access to Outlot 'A'.
10. Setbacks shall be as follows:

A. Front Yard	50 feet
B. Side Yard	15 feet
C. Rear Yard	Lesser of 50' or 20% Depth
D. 10' Setback along the 84th St. frontage of Lots 1 & 4 to allow existing trees and structures to remain. Any new trees and structures shall not be allowed in this area.	
11. The following waivers to the Land Subdivision Ordinance are hereby relinquished:

A. Ornamental Lighting
B. Sidewalks
C. Street Trees
D. Landscape Screens
E. Storm Water Detention
12. The developer shall install the following signs: 1 STOP sign, and 1 No Outlet sign, and one street name sign.
13. Notice to potential buyers: Rural standards for roads are to be maintained and one access per lot will be permitted.

LEGAL DESCRIPTION

NE 1/4 of SE 1/4, and a portion of Lot 9 I.T.,
located in Section 10, T. 11 N., R. 7 E.,
of the 6th P.M., Lancaster County, Nebraska
Calculated Area - 77.03 acres

SURVEYOR'S CERT

I hereby certify
me or under my
a licensed surveyor
of Nebraska.

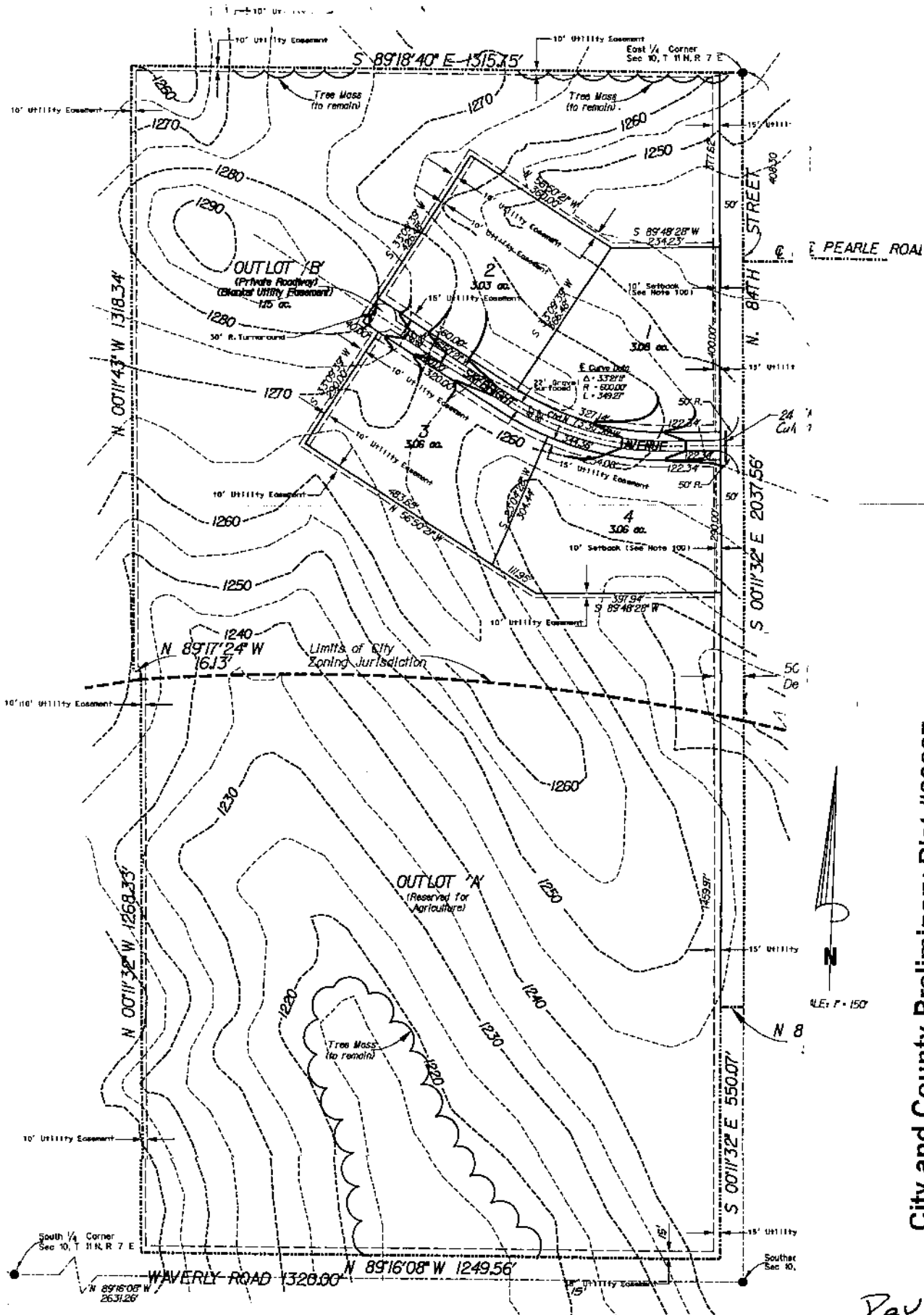
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FINIGAN 2ND ADDITION
PRELIMINARY PLAT

City and County Preliminary Plat #03007
County Special Permit #204
Special Permit #2031
Finigan 1st Add.
N. 84th & Waverly Rd.

Rev. 12/30/03

FINIGAN 2ND ADDITION PRELIMINARY PLAT SITE PLAN



City and County Preliminary Plat #03007
County Special Permit #204
Special Permit #2031
Finigan 1st Add.
N. 84th & Waverly Rd.

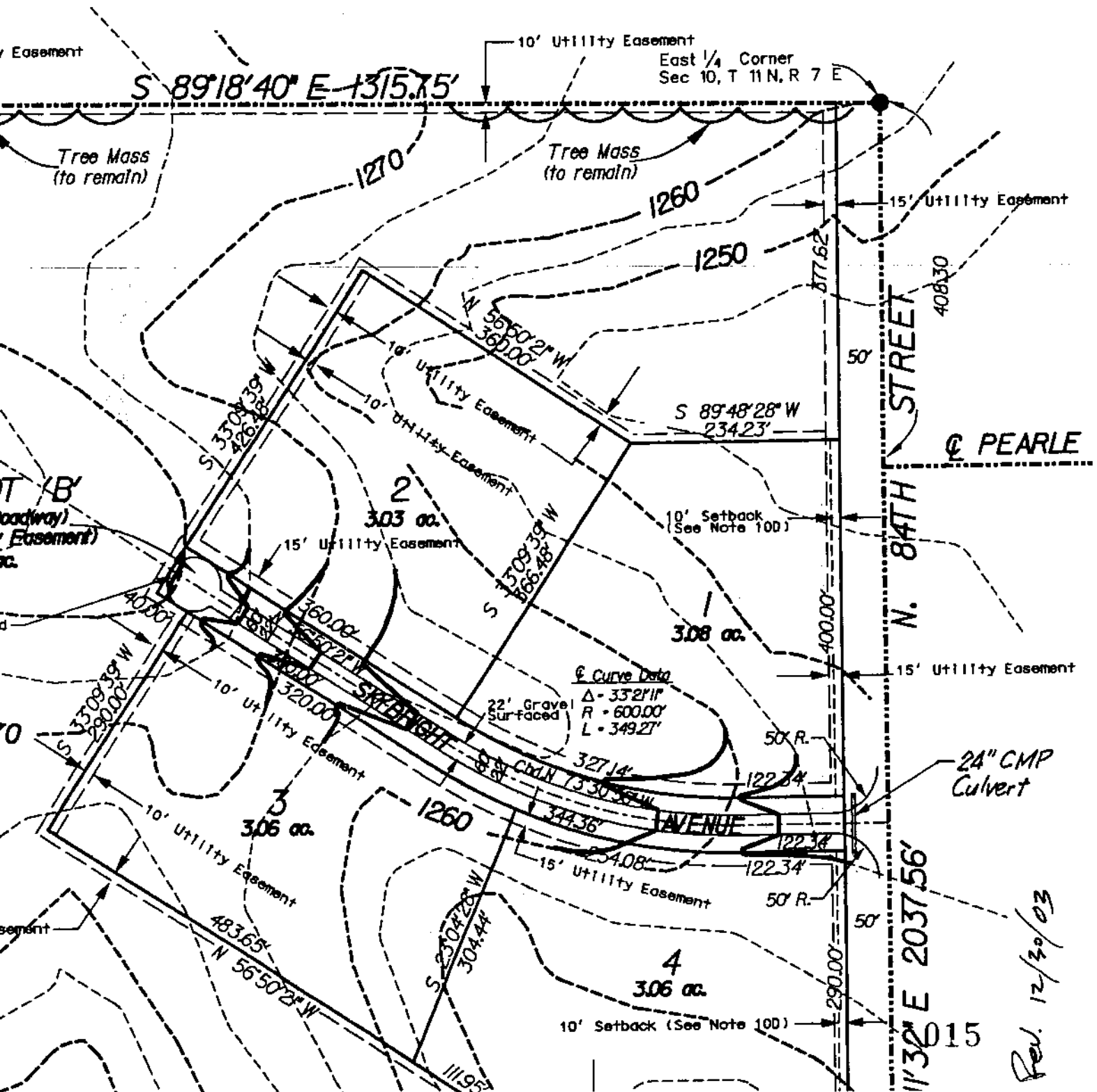
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Rev 12/30/03

FINIGAN 2ND ADDITION PRELIMINARY PLAT

SITE PLAN

City and County Preliminary Plat #03007
County Special Permit #204
Special Permit #2031
Finigan 1st Add.
N. 84th & Waverly Rd.



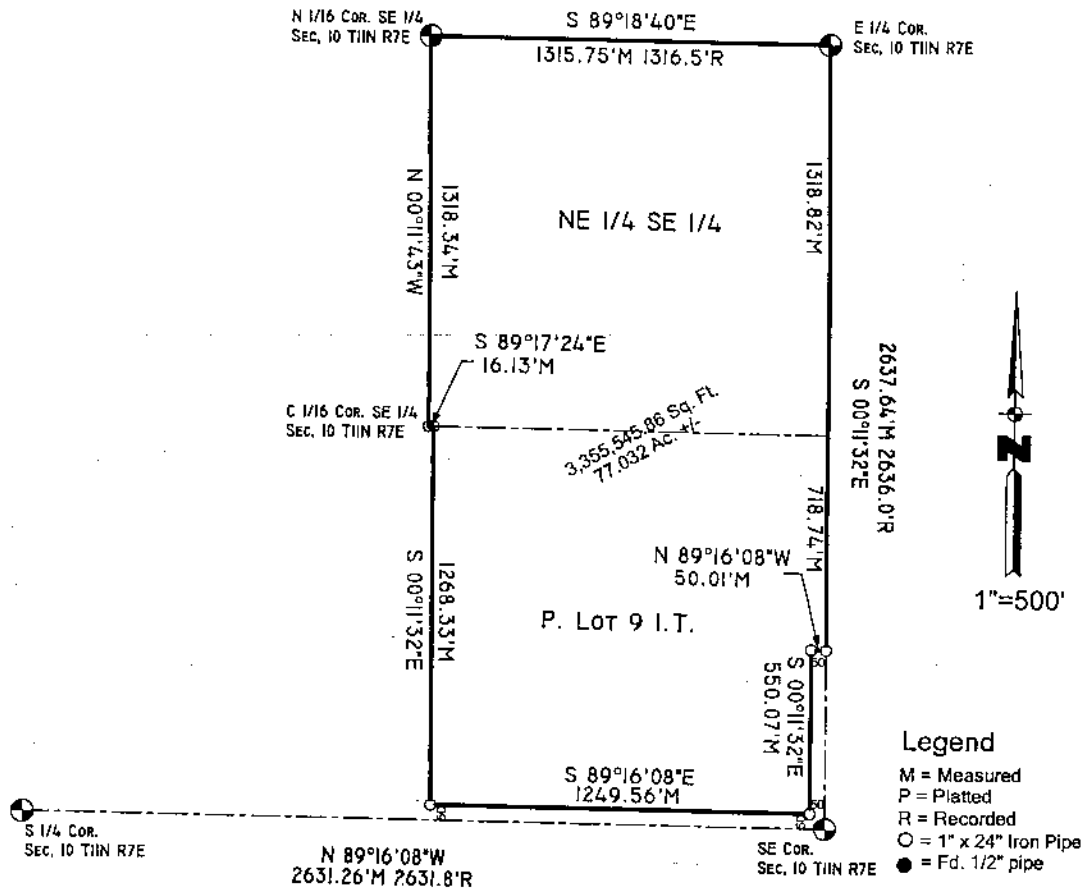
Rev. 12/30/03

Official Survey Record

A survey of the Northeast Quarter of the Southeast Quarter, and a portion of Lot 9 I.T., located in the Southeast Quarter of Section 10 Township 11 North Range 7 East of the Sixth Principal Meridian, Lancaster County, Nebraska.

Work Order 03-0671

May 26, 2003



City and County Preliminary Plat #03007
County Special Permit #204
Special Permit #2031
Finigan 1st Add.
N. 84th & Waverly Rd.



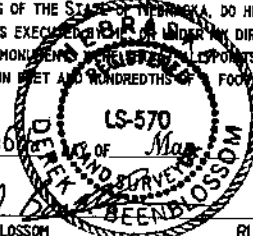
**ALLEN SURVEYING
SERVICES INC.**

SURVEYORS CERTIFICATE

I, DEREK A. BEENBLOSSOM, A DULY REGISTERED LAND SURVEYOR,
UNDER THE LAWS OF THE STATE OF NEBRASKA, DO HEREBY CERTIFY THAT
THIS SURVEY WAS EXECUTED BY ME OR UNDER MY DIRECT SUPERVISION,
AND THAT IRON MONUMENTS WERE SET AT ALL POINTS MARKED "O". ALL
DISTANCES ARE IN FEET AND HUNDREDTHS OF A FOOT.

Signed this 26th day of May, 2003

Derek A. Beenblossom
DEREK A. BEENBLOSSOM



RLS # 570

016



File No. 03-0270
June 13, 2003

Mike Dekalb
Planning Department
555 S. 10th Street
Lincoln, NE 68508

LYLE L. LOTH, P.E./L.S.

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Lincoln, NE 68512

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Fax (402) 421-7096

Email: lyle@espeng.com

Re: Finigan 1st Addition – Preliminary Plat & C.U.P.

Dear Mike:

On behalf of Pearle Finigan, I am submitting herewith plans for the referenced project located at 84th & Waverly Road. The following Waivers are being requested:

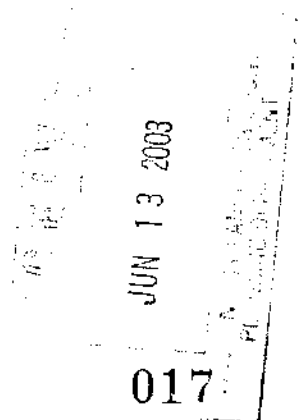
- A. Ornamental Lighting – Land Subdivision Ordinance Title 26.27.070
- B. Sidewalks – Land Subdivision Ordinance Title 26.27.020
- C. Street Trees – Land Subdivision Ordinance Title 26.27.090
- D. Landscape Screens – Land Subdivision Ordinance Title 26.27.080
- E. Stormwater Detention – Design Standards Chapter 2.05, Section 33

Jerry Hood, of the Lincoln-Lancaster County Health Department has indicated that there is an adequate supply of water available in this area to serve this project.

Please note that this project is in the jurisdictions of the City of Lincoln and Lancaster County.

E-S-P, Inc.
Engineering-Surveying-Planning

Lyle L. Loth, P.E.





File No. 03-0270
November 5, 2003

Mike Dekalb
Planning Department
555 S. 10th Street
Lincoln, NE 68508

LYLE L. LOTH, P.E./L.S.

Suite A - 601 Old Cheney Road
Lincoln, NE 68512

Phone (402) 421-2500
Fax (402) 421-7096

Email: lyle@espeng.com

Re: Finigan 2nd Addition - Preliminary Plat #03007 & Community Unit Plan


Dear Mike:

This is in response to the Planning Director's letter dated August 20, 2003 pertaining to the referenced project.

1. We have added the name Estes Avenue to the private street
2. We have added the easements requested by LES.
3. We have changed the project name to Finigan 2nd Addition.
4. We have extended the private street profile 300' to the west.
5. (1) We have shown the 50' ROW dedication and the 10' Clear Zone on Lots 1 & 4.
(2) See No. 1 above.
(3) We have included the profile of North 84th St. showing the required sight distance.
(4) We have added the slopes to the private street profile.
(5) We have added the 50' radii at the intersection of Estes Ave. and No. 84th St.
(6) We have revised the legal description.
6. We have revised Note #9 to provide for access to No. 84th St. from Estes Ave.
7. We have included the area of 77.03 acres in the Legal Description.
8. We have added a vicinity sketch to the site plan.
9. We have added a Surveyor's Certificate to the site plan.
10. We have added a street name sign to Note #12.
11. We have revised Note #8 to reflect LES instead of Norris Public Power.
12. We have added the private street width.
13. We have added the 10' contour elevations.
14. We have added existing tree masses and indicated that they are to remain.
15. We have previously submitted a soil survey of the area.

We are submitting herewith 12 copies of the revised plans for your review. Please schedule this on the Planning Commission agenda as soon as possible. Thank you for your assistance with this project.

E-S-P, Inc.
Engineering-Surveying-Planning


Lyle L. Loth, P.E.
For the Firm

NOV 5 2003

018

Lancaster

County

Engineering

Department

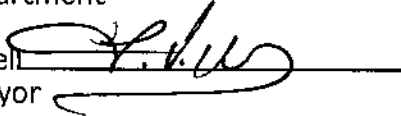
DON R. THOMAS - COUNTY ENGINEER

DEPUTY- LARRY V. WORRELL
COUNTY SURVEYOR

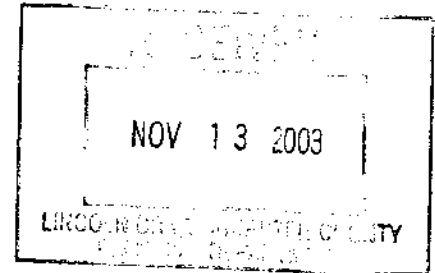


DATE: November 10, 2003

TO: Mike DeKalb
Planning Department

FROM: Larry V. Worrell 
County Surveyor

SUBJECT: FINIGAN 2ND ADDITION PRELIMINARY PLAT



This office has reviewed subject development and would offer the following comments:

- 1) The sight distance to the north on North 84th Street for Estes Avenue is calculated with an eye height of 4'. The eye height should be 3.5'. Using an eye height of 3.5', the sight distance is approximately 430'. This is the minimum required. When designing a new street location, sight distance should be provided that is above the minimum and drivers should not feel uncomfortable when entering North 84th Street.
- 2) If Estes Avenue does not move, a culvert is needed under Estes Avenue for North 84th Street ditch drainage.
- 3) Lots shall be allowed only one residential access.

cc: Dennis Bartels - Public Works

LWV/DP/bml

019



Dennis L Roth

11/09/03 08:54 PM

To: Michael V Dekalb/Notes@Notes

cc:

Subject: re: Finigans 2nd Add - revised

PROJ NAME: Finigan 2nd Addition (previously called Finigans 1st Addition)
PROJ NMBR: CUP #204, SP #2031, PP #03007
PROJ DATE: 11/05/03
PLANNER: Mike DeKalb

Finding NO DUPLICATE/SIMILAR sounding names in our geobase for the street name proposed in this project..

Dennis "denny" Roth, ESD II/CAD Admin
Emergency Communications 9-1-1 Center

STREETS: none

PRIVATE: Estes Ave

COMMENTS:

Memorandum

To:	Mike DeKalb, Planning Department
From:	Chad Blahak, Public Works and Utilities
Subject:	Finigan 1st Addition Special Permit and Preliminary Plat
Date:	November 14, 2003
cc:	

Engineering Services has reviewed the special permit for Finigan 2nd Addition, located approximately 1/2 mile north of Waverly Road west of North 84th Street, and has the following comments:

- General note #5 references a right-of-way width of 60' for private streets. Private streets need to be located in a public access easement in an outlot or centered on shared lot lines. Private streets are not to be located in public right of way.

**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Mike Dekalb

DATE: July 29, 2003

DEPARTMENT: Planning

FROM: Chris Schroeder
Doug Smith

ATTENTION:

DEPARTMENT: Health

CARBONS TO: EH File

SUBJECT: Finigan 1st Addition

EH Administration

CO SP #204, SP #2031
PP #03007

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the proposed Finigan 1st Addition development with the following items noted:

- All soil on the propose site is Sharpsburg. Sharpsburg soil has severe limitations for the installation of standard septic systems. *The applicant has addressed this issue in the general notes.* Lagoons or non-standard on-site wastewater systems may be required.
- Information provided to the LLCHD by the applicant indicate that an adequate supply of potable water exists for this project.
- All wind and water erosion must be controlled during construction. The Lower Platte South Natural Resources District should be contacted for guidance in this matter. *The applicant has addressed this issue in the general notes.*
- During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.

Lancaster

DON R. THOMAS - COUNTY ENGINEER

County

Engineering

Department

DEPUTY - LARRY V. WORRELL
COUNTY SURVEYOR



DATE: December 29, 2003

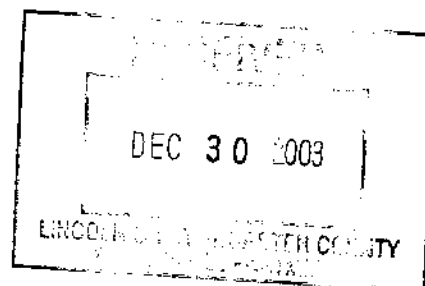
TO: Mike DeKalb
Planning Department

FROM: Larry V. Worrell
County Surveyor

SUBJECT: FINIGAN 2ND ADDITION PRELIMINARY PLAT
REVISIONS PER PLANNING COMMISSION

Upon review, this office has no direct objections to this submittal.

LVW/bml



022

(p.75 - Consent Agenda - 12/10/03)

December 7, 2003

Carl Joseph, Jr. and Sherry A. Lighter
12500 N. 84th Street
Lincoln, NE 68517-9765

Mr. Marvin Krout
Lancaster Planning Department
555 S. 10th Street
Lincoln, NE 68508

Dear Mr. Krout:

We received your Notice mailed to us concerning County Special Permit No. 204, City Special Permit No. 2031, and County/City Preliminary Plat No. 03007. We have also reviewed the information available on your Web-Site.

We are opposed to this development for the following reasons:

- It appears that the road and lots will be almost directly across N. 84th Street from our property.
- There will be increased traffic and dust from North 84th street, which is a gravel road, as well as from the new road (called Estes Avenue) that will affect our property, household, and driving safety.
- There will be new buildings that will affect our view of sunsets (please see enclosed photo of the current view from our house of where the new houses, buildings, and road will be).

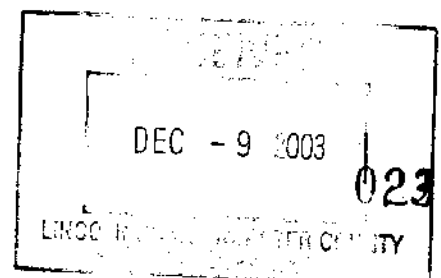
Why can't the development be at the South end of the Plat #3007, with a road off of Waverly Road, which is already blacktop?

Or, as an alternative, would the developer blacktop North 84th Street from Waverly Road to the North end of the Plat No. 3007?

Sincerely,


Carl J. Lighter, Jr.


Sherry A. Lighter



Looking from East to West
Across N. 84th St,
From the Lighter House
12500 N. 84th St.

